

PUBLIC WORKS AND UTILITIES COMMITTEE

13-058-O

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 28-64 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO THE INGESTION OF PROHIBITED SUBSTANCES.

BY COUNCILORS JULSRUD AND KRUG:

The city of Duluth does ordain:

Section 1. That Section 28-64 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 28-64. Ingesting a prohibited substance--prohibited in certain places.

(a) No person shall ingest by smoking or chewing any prohibited substance at or in any of the following locations:

(1) Anywhere smoking is prohibited by the Minnesota Clean Indoor Air Act;

(2) Inside any Duluth Transit Authority transit shelter;

(3) Within 15 feet from the nearest point of any Duluth Transit Authority transit shelter which displays at least two signs visible from the exterior of the shelter providing notice of this prohibition, said 15 feet measured in a straight line of constant elevation;

(4) Anywhere in Wade Stadium that is open to the public except in areas designated for such consumption;

(5) Within 100 feet of the nearest property line of a medical facility, said 100 feet measured in a straight line of constant elevation; provided that this prohibition does not apply to a person inside an enclosed motor vehicle in motion on a public street or alley;

(6) On the Lakewalk, on Lake Place or in Leif Ericson Park;

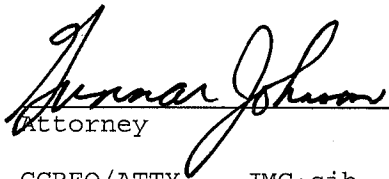
(7) Within the indoor area of any establishment with a retail tobacco licences, including smoking for the purpose of sampling prohibited substances;

(c) Any person violating this Section is guilty of a petty misdemeanor or may be penalized under Chapter 12 of the Duluth City Code, 1959, as amended;

(d) Signage to enforce the provisions of this ordinance shall be approved by the city of Duluth.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:

  
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Attorney

CCREQ/ATTY JMC:cjh 8/15/2013

STATEMENT OF PURPOSE: This ordinance amends Section 28-63 of the Duluth City Code to prohibit the sampling of prohibited substances within the indoor area of a retail tobacco establishment. Prohibited substances are defined as any tobacco related product and any other substance labeled as not safe for or intended for human consumption.